

REMARKS

Claims 29 to 33 stand allowed, while claims 34 to 36 and 45 to 47 have been rejected in the Office Action.

In paragraph 2 of the Office Action, claims 34 and 45 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP5207196A, which (briefly stated) discloses a patterned aluminum oxide film formed by anodic oxidation of Al on a semiconductor substrate surface.

Reconsideration is requested.

The invention defined in claims 34 and 45 is not anticipated by JP5207196A for the following reasons:

(i) Claims 34 and 45 require that the layer is deposited on a surface of an electrically conductive substrate, but in the cited reference there is no such surface, only a semiconductor surface. The wiring layer on the front surface in the reference does not convert the back surface to a surface of an electrically conductive layer.

(ii) The aluminum oxide surface is uneven, but there is no evidence that it is discontinuous in the sense that some substrate surface is covered with oxide and some is not.

(iii) The vacuum deposited discontinuous layer which is deposited randomly, as defined in amended claims 34 and 45, is qualitatively different from the aluminum oxide layer of the reference made by anodization in the reference, at least because in the present case there is random deposition, whereas in the reference, deposition is not random, but is rather by means of a predetermined pattern. For the random nature of deposition in the present case, see e.g. the present specification at the foot of page 11: "This discontinuous layer consists of discrete regions 26 deposited at random on surface 24." For these reasons, it is requested that this ground of rejection be withdrawn.

In paragraph 3 of the Office Action, claims 34-36 and 45-47 were rejected under 35 USC 102§(b) as being anticipated by JP362031922A, which (briefly stated) discloses manufacture of a

luminous tube wherein an aluminum oxide film is formed by anodic oxidation of Al in a predetermined pattern on an Al wire substrate by using a resist film, the resist areas being subsequently covered with fluorescent substance.

Reconsideration is requested.

Claims 34-36 and 47 are not anticipated by JP362031922A, which discloses only deposition of aluminum oxide on a substrate, whereas claims 34-36 and 47 point out the deposition of an oxide of a valve metal selected from a group not including aluminum. In addition, claims 34-36 and 45-47 are not anticipated by JP362031922A, for a very similar reason to that stated in paragraph (iii), above. That is to say, the present vacuum deposited discontinuous layer differs from the aluminum oxide layer of the reference made by anodization, by at least the fact that in the present case the amended claims recite that the layer is made by random deposition (see e.g. the foot of page 11 of the present specification), whereas in the reference, deposition is by means of the predetermined pattern of the resist layer.

Furthermore, in addition to the various points of distinction of claims 34-36 and 45-47 from the disclosures of the two cited references, as set forth above, there is a clear intrinsic morphological distinction between the vacuum deposited oxide layer in these claims and the oxide layer in the references, which was made electrolytically, by anodic oxidation. This distinction may be understood by consideration of the following passages in the present specification:


At page 6, line 24 to page 7, line 2: ``...the non-electrolytically formed, preferably discontinuous layer is homogeneous, whereas the electrolytically formed layer is increasingly porous towards its outer surface, the pores being predominantly cylindrical and perpendicular to the outer surface.''

At page 12, lines 5-7: ``This porosity gradient provides a morphological distinction between anodized portions 27, 28 and the relatively homogeneous regions 26.''

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome. Applicants' arguments as to the allowability of the rejected claims depend only on what has been disclosed in the specification originally. The present grounds of rejection were based on references that were cited for the first time in the final rejection. This is considered to be a good and sufficient reason under 37 CFR§1.116 for the entry of this Amendment after final rejection. It is submitted that claims 34-36 and 45-47 (in addition to allowed claims 29-33) patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is in condition for allowance, which action is earnestly solicited.

In case of any remaining issues which might be settled by telephone, it is respectfully requested that the Examiner contact the undersigned attorney to discuss resolution of such issues.

Respectfully submitted,


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